

WOLFPAPPER

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August 8, 2025

VIA ECF

Hon. James R. Cho
United States District Court
Eastern District of New York
Courtroom 11D
225 Cadman Plaza East
Brooklyn, NY 11201

Hon. Cheryl L. Pollack
United States District Court
Eastern District of New York
Courtroom 13B
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Albouni v. Schultz, et al.*, 24-cv-08650-AMD-JRC, and
Rodriguez Mena v. Schultz, et al. 24-cv-08695-ERK-CLP

Dear Judges Cho and Pollack:

The undersigned counsel represent the Plaintiffs in in the action captioned *Albouni v. Schultz, et al.*, 24-cv-08650 (AMD) (JRC) (E.D.N.Y.) (the “*Albouni Action*”) and Lead Plaintiff Alexander Escobar in the class action captioned *Mena v. Schultz, et al.*, 24-cv-08695 (ERK) (CLP) (E.D.N.Y.) (the “*Mena Action*”) (together, the “Related Actions” and plaintiffs in both actions collectively, the “Plaintiffs”). We write in response to Your Honors’ Orders of June 25, 2025 in the *Albouni Action* and May 7, 2025 in the *Mena Action* directing the parties to file a joint status report.

Plaintiffs reached out to the counsel for Defendant Alexander Larson Schultz (“Schultz”) regarding this status report and have not received a response. Consequently, Plaintiffs are filing this report unilaterally, and reserve the right to file additional updates in the event that Mr. Schultz’s counsel make a submission.

Counsel for Defendant Schultz answered the Complaint on May 21, 2025, and two attorneys entered appearances on his behalf. *Mena* Action ECF Nos. 21, 22, and 23; *Albouni* Action ECF Nos. 17, 19, and 20. Defendants Tuah the Moon Foundation, Clinton So, and Overhere Limited (the “Foreign Defendants”) have not appeared in this matter.

On July 28, 2025, Plaintiffs filed a motion to consolidate the Related Actions pursuant to Rule 42(a) of the Federal Rules of Civil Procedure on both dockets. *Albouni* ECF No. 23; *Mena* ECF No. 24. The motion for consolidation is currently pending before the Courts.

While service of process upon the Foreign Defendants has been initiated, their time to respond has not yet commenced. As a reminder, Defendant Tuah the Moon Foundation was registered in the Cayman Islands, while Clinton So and Overhere Limited were believed to be located in Hong Kong. On Wednesday, August 6, 2025, the process server informed us that “service could not be effectuated” on Clinton So and Overhere Limited; we anticipate learning more information about why service could not be effectuated when we receive the Certificate and

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Affirmation of Non-Service shortly. We have also learned that Defendant Tuah the Moon Foundation is no longer active in the Cayman Islands.

There is no firm time period under Fed. R. Civ. Proc. 4 for service of foreign defendants and we continue to investigate additional addresses and information regarding the Foreign Defendants. We expect that we may have to move for alternative forms of service on the Foreign Defendants.

Given the procedural posture of the Related Actions, the lack of discovery and motion practice, and the ongoing efforts at service of the Foreign Defendants, Plaintiffs propose the Court allow us to file an amended complaint that we anticipate will include additional defendants within 60 days of the resolution of the pending motions for consolidation. At that time, Plaintiffs can also move for alternative service of foreign defendants (if necessary).

Plaintiffs will file supplemental status reports as warranted by further developments in this case.

Sincerely,

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